

IN RE: PETITION FOR ZONING VARIANCE  
N/S Cherry Hill Road, 2,879' E  
of the c/l of Fork Road  
(6622 Cherry Hill Road)  
11th Election District  
6th Councilmanic District  
Gregory P. Garrison, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-369-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and a proposed swimming pool and accessory shed in the third of the rear yard closest to the side street, both in lieu of the third of the lot farthest removed from any street, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Sharon A. Garrison, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6622 Cherry Hill Road, consists of 1.637 acres zoned R.C. 2 and is improved with a single family dwelling and a 12-foot diameter swimming pool. Said property is located in a bend of Cherry Hill Road which creates a corner lot effect. Petitioners are desirous of erecting a 10' x 50' shed to the rear of the property as depicted on Petitioner's Exhibit 1. Petitioners are also desirous of constructing an inground swimming pool in the location shown on Petitioner's Exhibit 1 at some point in the future. Testimony indicated that due to the location of the existing dwelling, well and septic systems, and topography of the land, the locations shown on said Exhibit are the most feasible. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare

of the surrounding community inasmuch as both the proposed pool and shed will be buffered from their nearest neighbors by existing trees and shrubs. Further testimony indicated the variance requested for the existing pool is necessary in order to keep the pool in its present location until such time as they are able to build the new pool.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9/10 day of June, 1991 that the Petition for Zoning

Variance to permit an existing accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and a proposed swimming pool and accessory shed in the third of the rear yard closest to the side street, both in lieu of the third of the lot farthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed accessory structure (shed) to be converted to a second dwelling unit and/or apartments. The shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 4/10/91  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 21, 1991

Mr. & Mrs. Gregory P. Garrison  
6622 Cherry Hill Road  
Baldwin, Maryland 21013

RE: PETITION FOR ZONING VARIANCE  
N/S Cherry Hill Road, 2,879' E of the c/l of Fork Road  
(6622 Cherry Hill Road)  
11th Election District - 6th Councilmanic District  
Gregory P. Garrison, et ux - Petitioners  
Case No. 91-369-A

Dear Mr. & Mrs. Garrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

#### PETITION FOR ZONING VARIANCE 341. 91-369-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow placement of a swimming pool in a side yard and a pool and shed in the third of the rear yard closest to the side street, both in lieu of being located in the third of the lot farthest removed from the street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) grading difficulties, shrubbery and tree removal required, unable to use NE corner as well as NW corner, location of pool shed in NW corner conforms to neighborhood norms, location in NW corner places pool away from 6622 Cherry Hill Rd home front lawn area  
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State  
Phone No.

6622 Cherry Hill Rd 5926457  
Baldwin, Md 21012  
Gregory P. Garrison  
6622 Cherry Hill Rd 5926457

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15 day of May, 1991, at 9 o'clock

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 3-6-91  
VIOLATION Case # 91-7  
DISTRICT Case # 192590-SF/5

#### Zoning Description

Beginning at a point on the north side of Cherry Hill Rd which is 20 feet wide at the distance of 2879 feet EAST of the centerline of Fork Rd which is 30' wide. Being recorded in Balto. Co. Plat Book Liber RJS 1353 folio 152 and Liber EHK Jr. NO 6759 folio 623 containing 1.637 acres. Also known as 6622 Cherry Hill Rd and located in the 11th Election District.

91-369-A

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th Date of Posting 4/24/91  
Posted for: Variance  
Petitioner: Gregory P. Garrison, et ux  
Location of property: 6622 Cherry Hill Rd, N/S Cherry Hill Rd, E of Fork Rd, 11th Election District  
Location of Sign: Along Cherry Hill Rd, near E. end of road, at corner of side yard, behind the building, behind the driveway  
Remarks: Reported with new timing date 4/24/91  
Posted by: [Signature] Date of return: 5/9/91  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/19, 1991  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1991.

THE JEFFERSONIAN,

*S. Zeke Olson*  
S. Zeke Olson  
Publisher

\$ 70.76  
95.76

#### CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

*S. Zeke Olson*  
S. Zeke Olson  
Publisher

\$ 70.76

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account Number: R 0016150  
91-369

DATE: 5/6/91

VS 180 2/19/91  
Jim P.

receipt

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

DATE: 5/6/91

Gregory P. Garrison, et ux  
6622 Cherry Hill Road  
Baldwin, Maryland 21013

RE:  
Case Number: 91-369-A  
2879' E of c/1 Fork Road, on N/S Cherry Hill Road  
6622 Cherry Hill Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Gregory P. Garrison, et ux  
HEARING: WEDNESDAY, MAY 15, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$95.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

March 29, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-369-A  
2879' E of c/1 Fork Road, on N/S Cherry Hill Road  
6622 Cherry Hill Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Gregory P. Garrison, et ux  
HEARING: WEDNESDAY, MAY 15, 1991 at 9:00 a.m.

Variance to allow placement of a swimming pool in a side yard and a pool and shed to the third of the rear yard closest to the side street, both in lieu of being located in the third of the lot farthest removed from the street.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Gregory P. Garrison  
Bernard Rogge

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

May 16, 1991

Gregory P. Garrison, et ux  
6622 Cherry Hill Road  
Baldwin, Maryland 21013

Re:  
Case Number(s): 91-369-A  
Petitioner(s): Gregory P. Garrison, et ux  
Location: 6622 Cherry Hill Road

Dear Ms. Peterson:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on Wednesday, May 15, 1991 cannot go forward on that date.

This case has been rescheduled for JUNE 19, 1991 at 3:30 p.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

G. G. Stephens  
(301)887-3391

cc: Bernard Rogge

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

April 24, 1991

Mr. & Mrs. Gregory P. Garrison  
6622 Cherry Hill Road  
Baldwin, MD 21013

RE: Item No. 341, Case No. 91-369-A  
Petitioner: Gregory P. Garrison, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Garrison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 27th day of March, 1991.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Gregory P. Garrison

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 8, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Key Federal Savings Bank, Item No. 186  
Oliver W. Riddick, Item No. 327  
Marvin West, Item No. 339  
Gregory P. Garrison, Item No. 341 ✓  
Daniel M. Clair, Item No. 345  
William H. Robbins, Item No. 349  
A. Samuel Kurland, Item No. 351  
Lillian A. Williams, Item No. 360

In reference to the above-mentioned Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTIITE.MS/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 10, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 26, 1991

This office has no comments for items number 328, 341 and 348.

Rahee J. Famill  
Traffic Engineer II

RJF/lvd

received  
4/10/91

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

March 20, 1991

TO: Zoning Commissioner  
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #341, Zoning Advisory Committee Meeting of  
March 26, 1991, Gregory P. Garrison, et ux, 2879' E of centerline  
Fork Road, on N/S Cherry Hill Road (#6622 Cherry Hill Road), D-11  
Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent structure must be located at a minimum of 20 feet from  
the designated sewage disposal area.

SSF rmk

received  
3/25/91

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

MARCH 26, 1991

(301) 984-4500

J. Robert Belter  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: GREGORY P. GARRISON  
Location: 6622 CHERRY HILL RD  
Item No: 341 Zoning Agenda: MARCH 26, 1991

Continued:

Pursuant to your request, the referenced property has been reviewed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Gregory P. Garrison* 3/24/91  
Baltimore County Fire Department  
Special Inspection Division

JR/EEK

RECEIVED  
3/27/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for March 26, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 186 (91-257-A), 341, and 348.

For Item 328, the dimensions shown as "paving" are  
right-of-way widths.

For Item 344, a County Review Group Meeting is required  
for this site.

For Item 346, a cover of 15 feet +/- over the existing  
60-inch sanitary sewer is adequate. Avoid damage to the  
existing manhole on the bend structure within the truck  
parking area.

For Item 347, the previous County Review Group comments  
still apply.

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

ZONING ENFORCEMENT Baltimore County  
Zoning Office  
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer March 7, 1991  
Zoning Supervisor

FROM: James H. Thompson -LJM  
Zoning Enforcement Coordinator

RE: Item No. 341  
Petitioner: GREGORY & SHAREN GARRISON

91-369-A

VIOLATION CASE # C-90-2237

CV-91-7  
LOCATION OF VIOLATION 6622 CHERRY HILL ROAD  
BALDWIN, MD 21013

DEFENDANT GARRISON

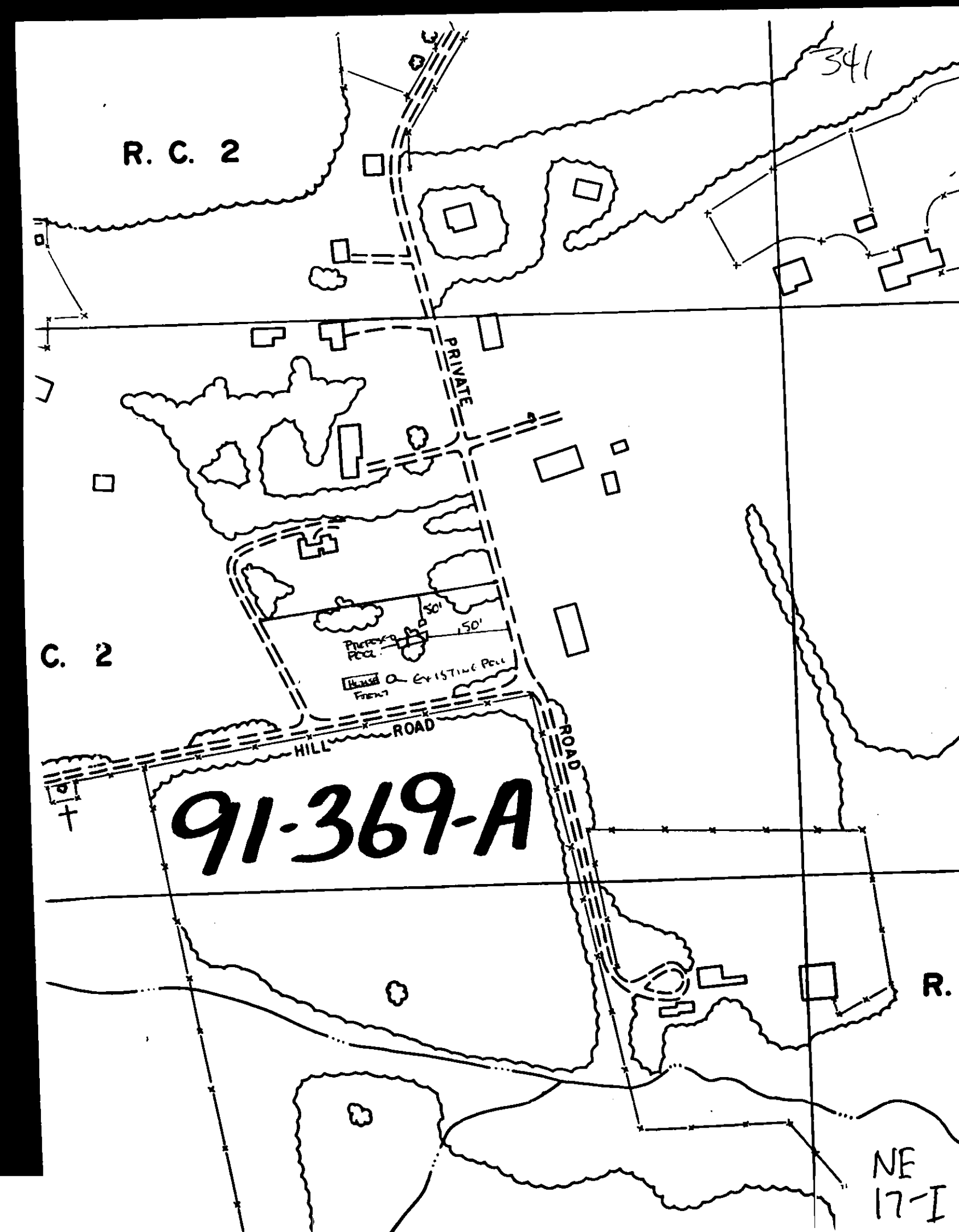
ADDRESS 6622 CHERRY HILL ROAD

Please be advised that the aforementioned petition is the subject  
of an active violation case. When the petition is scheduled for a  
public hearing, please notify the following persons:

NAME ADDRESS  
BERNARD ROGGE 6701 CHERRY HILL ROAD

After the public hearing is held, please send a copy of the Zoning  
Commissioner's Order to the Zoning Enforcement Coordinator, so that the  
appropriate action may be taken relative to the violation case.

ech/



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6622 Cherry Hill Rd. Baldwin 21013 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A  
plat book# \_\_\_\_\_ lot# \_\_\_\_\_ section# \_\_\_\_\_

OWNER: Gregory P. & Sharon M. Garrison

6620 Petitioner Exhibit 1  
91-369-A

CHERRY HILL RD  
ACCESS ROAD

North  
date: 4/1/91  
prepared by: JWB

Scale of Drawing: 1" = 60'

LOCATION INFORMATION  
Councilmanic District: 6  
Election District: 11 TH  
1"=200' scale map: NB. 17-I  
Zoning: RC-2  
Lot size: 1.637 acreage 71,307 square feet

SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: ☒

Zoning Office USE ONLY!  
reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_  
341